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10 Attorneys for Defendant JUUL LABS,
INC.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

15 MARIA DE LA LUZ PEREZ BAUTISTA, LUZ
16 PEREZ BAUTISTA and SALVADORA
17 CORREA, on behalf of themselves and all others
similarly situated,

Case No. 4:20-cv-01613-HSG

**STIPULATION AND ORDER SETTING
DEADLINE FOR DEFENDANTS TO
ANSWER FIRST AMENDED COMPLAINT**

Hon. Haywood S. Gilliam
Action Filed: March 4, 2020
Trial Date: None Set

18 Plaintiffs,
19 vs.
20 JUUL LABS, INC., COALITION FOR
21 REASONABLE VAPING REGULATION,
LONG YING INTERNATIONAL, INC.,
22 DAVID M. HO, and DOES 1-10 inclusive,

23 Defendants.

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STIPULATION AND ORDER RE ANSWER DEADLINE
CASE NO. 4:20-cv-01613-HSG

1 Plaintiffs Maria De La Luz Perez Bautista, Luz Perez Bautista, and Salvador Correa
2 (“Plaintiffs”) and Defendants Juul Labs, Inc., Coalition for Reasonable Vaping Regulation, Long Ying
3 International, Inc., and David M. Ho (“Defendants”) (collectively, the “Parties”) hereby stipulate as
4 follows:

5 **RECITALS**

6 WHEREAS, on September 9, 2020 the Court issued an Order Regarding Leave to File First
7 Amended Complaint and Briefing and Hearing Schedule for Responsive Motions and Motion for
8 Collective Action (“Order”) [Dkt. 76];

9 WHEREAS, the Order states, “Defendants’ Motion to Dismiss and/or Strike portions of the First
10 Amended Complaint (hereafter “FRCP 12(b) Motion”) and/or Answers are due on October 1, 2020”
11 [Dkt. 76];

12 WHEREAS, the Parties interpret the Order to mean that Defendants may file or join in motions
13 under Federal Rule of Civil Procedure 12 in lieu of filing Answers to the First Amended Complaint;

14 WHEREAS, to the extent the Order intended for Defendants to file Answers *in addition* to filing
15 or joining in Rule 12 motions by October 1, 2020, the Parties wish to stipulate that any Defendants filing
16 or joining in Rule 12 motions by October 1, 2020 need not file Answers until fourteen (14) days after a
17 ruling on such Rule 12 motions, unless the Court provides otherwise in such ruling or a subsequent order
18 of the Court;

19 WHEREAS, such stipulation would be in the interest of efficiency and judicial economy, such
20 that Defendants need not prepare Answers to a pleading that may or may not be the final operative
21 complaint in this case, depending on how the Court rules on Defendants’ Rule 12 motions;

22 WHEREAS, Plaintiffs agree that they will not seek default against any Defendant on account of
23 such Defendant failing to file an Answer on October 1, 2020 at the same time as filing or joining in a
24 Rule 12 motion.

25 **STIPULATION**

26 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
27 undersigned parties, through their undersigned counsel:

28 1. For Defendants that file or join in a motion under Federal Rule of Civil Procedure 12

1 with respect to Plaintiffs' First Amended Complaint, such Defendants' deadline to
2 Answer the First Amended Complaint shall be set for fourteen (14) days after the Court's
3 ruling on such motion(s), unless the Court provides otherwise in such ruling or a
4 subsequent order of the Court.

- 5 2. For Defendants that elect not to file or join in a motion under Rule 12 with respect to the
6 First Amended Complaint, such Defendants' deadline to file an Answer to the First
7 Amended Complaint shall remain set for October 1, 2020.

8 DATED: October 1, 2020

9 LEONARD CARDER, LLP

10 By: /s/ Aaron D. Kaufmann
11 AARON D. KAUFMANN

12 GEORGE WARNER
13 Legal Aid at Work

14 *Attorneys for Plaintiffs Maria De La Luz Perez
Bautista, Luz Perez Bautista and Salvador Correa*

15 DATED: October 1, 2020

FOLEY & LARDNER LLP

16 By: /s/ Eileen R. Ridley
17 EILEEN R. RIDLEY

18 *Attorneys for Juul Labs, Inc.*

19 DATED: October 1, 2020

THE SUTTON LAW FIRM

20 By: /s/ Bradley W. Hertz
21 BRADLEY W. HERTZ

22 *Attorneys for the Coalition for Reasonable
Vaping*

23 DATED: October 1, 2020

PRATHER LAW OFFICES

24 By: /s/ Sybil L. Renick
25 SYBIL L. RENICK

26 *Attorneys for David Ho & Long Ying
International, Inc.*

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28 STIPULATION AND ORDER RE ANSWER DEADLINE

1 *Filer's Attestation: Pursuant to Local Rule 5-1(i)(3), Eileen R. Ridley hereby attests that concurrence in*
2 *the filing of this document and its contents was obtained from all signatories listed.*

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ORDER

Upon consideration of the stipulation filed by the Parties, IT IS HEREBY ORDERED as follows:

1. For Defendants that file or join in a motion under Federal Rule of Civil Procedure 12 with respect to Plaintiffs' First Amended Complaint, such Defendants' deadline to Answer the First Amended Complaint shall be set for fourteen (14) days after the Court's ruling on such motion(s), unless the Court provides otherwise in such ruling or a subsequent order of the Court.
 2. For Defendants that elect not to file or join in a motion under Rule 12 with respect to the First Amended Complaint, such Defendants' deadline to Answer the First Amended Complaint shall remain set for October 1, 2020.

IT IS SO ORDERED.

DATED: October 2, 2020

UNITED STATES DISTRICT COURT

By: Haywood S. Gilliam Jr.
HAYWOOD S. GILLIAM, JR.
United States District Judge